

REMARKS

Claims 1-68 remain pending in the application. Prosecution of the present application was reopened by the Examiner as a result of the Panel Decision from Pre-Appeal Brief Review. Reconsideration is respectfully requested in light of the following remarks.

Double Patenting Rejection:

The Examiner rejected claims 1-68 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1-104 of U.S. Pat. No. 6,917,976 in view of Pan et al. (U.S. Pat. No. 6,760,306). Applicants respectfully traverse the rejection on the grounds that the Examiner has not stated a proper *prima facie* rejection. The Examiner states that the differences between the independent claims of the present application and the 6,917,976 patent are taught by Pan. **However, Pan is not prior art.** Pan was filed September 27, 2000, which is after the August 31, 2000 filing date of the present application. Thus, the rejection is improper since it is based on a reference that is not prior art to the present application. Applicants also assert that the use of credentials recited in the claims of the present application was not well known in the prior art in the context of the claimed invention. Applicants remind the Examiner that “the question … is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). Accordingly, Applicants respectfully request removal of the double patenting rejection of claims 1-68.

CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-70000/RCK.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Petition for Extension of Time
- Notice of Change of Address
- Other:

Respectfully submitted,



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Date: October 31, 2005